

142 Orig FLORIDA V. GEORGIA

DECISION BELOW:

LOWER COURT CASE NUMBER:

QUESTION PRESENTED:

FLORIDA’S EXCEPTIONS

Plaintiff State of Florida respectfully submits the following exceptions to the Report of the Special Master issued on February 14, 2017:

1. Florida takes exception to, and this Court should decline to adopt, the Special Master's report and recommendation to deny Florida's request for relief.
2. Florida also takes exception to, and this Court should decline to adopt, the components of the Special Master's report and recommendation, including:
 - a. The Special Master’s heightened standard for establishing redressability;
 - b. The Special Master's conclusion that, even after establishing injury, Florida bore the burden of proving redressability by clear and convincing evidence;
 - c. The Special Master's conclusion that the U.S. Army Corps of Engineers' discretion in operating its facilities precludes a finding of redressability;
 - d. The Special Master's failure to account for the ways in which Florida's injuries would be redressed, no matter how the Corps exercises its discretion;
 - e. The Special Master’s failure to account for principles of equity and the constitutional role of this Court in resolving disputes among the States; and
 - f. The other flaws discussed in the accompanying brief, which addresses these exceptions (and related errors) more fully.

JURISDICTION NOTED 10/10/2017